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14 ROBERT KIRKMAN and
ROBERT KIRKMAN, LLC

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

18 MICHAEL ANTHONY MOORE, an
individual,

19 Plaintiff,

20 v.

21 ROBERT KIRKMAN, an individual;
22 and ROBERT KIRKMAN, LLC, a
Kentucky limited liability company,

23 Defendants.

24 Case No. CV 12-6811-MAN

25 **STIPULATION RE REQUEST FOR**
MODIFICATION OF JANUARY 17,
2013 ORDER OF DISMISSAL UPON
SETTLEMENT

26 **STIPULATION RE REQUEST FOR MODIFICATION OF ORDER OF DISMISSAL UPON**
27 **SETTLEMENT**

1 Plaintiff Michael Anthony Moore (“Moore”), on the one hand, and Defendants
 2 Robert Kirkman and Robert Kirkman, LLC (jointly, “Kirkman Parties”), on the other
 3 hand (collectively, the “Parties”), stipulate as follows:

4 WHEREAS, on August 7, 2012, Moore filed a complaint against the Kirkman
 5 Parties in the United States District Court for the Central District of California, Case
 6 No. CV 12-6811-MAN (the “Federal Court Action”);

7 WHEREAS, on August 9, 2012, Moore filed a first amended complaint in the
 8 Federal Court Action;

9 WHEREAS, on September 24, 2012, the Parties filed a Notice of Settlement,
 10 informing the Court that the Parties had reached a settlement in principal of the claims
 11 pending the Federal Court Action;

12 WHEREAS, on November 28, 2012, the Parties entered into a formal,
 13 confidential settlement agreement (the “Settlement Agreement”), settling the claims
 14 in the Federal Court Action;

15 WHEREAS, on January 17, 2013, the Court issued an Order of Dismissal Upon
 16 Settlement, providing that the Federal Court Action is dismissed in its entirety, but
 17 without prejudice to reopen the action within 60 days (i.e. March 18, 2013) if the
 18 settlement is not fully consummated;

19 WHEREAS, under the terms of the Settlement Agreement, the Parties’
 20 settlement will not be fully consummated until April of 2013, a date outside the 60
 21 day window established by the Court’s January 17, 2013 Order of Dismissal Upon
 22 Settlement;

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1 WHEREFORE, IT IS STIPULATED AND AGREED THAT the Parties
2 respectfully pray for and request a modification of the Court's January 17, 2013 Order
3 of Dismissal Upon Settlement as follows:

4 1. Instead of the 60 day window within which to reopen the Federal Court
5 Action should the settlement not be fully consummated, the Court impose a deadline
6 of April 30, 2013, within which to reopen the Federal Court Action should the
7 settlement not be fully consummated.

8 IT IS SO STIPULATED.

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10 Dated: January 23, 2013

EARLY SULLIVAN WRIGHT
GIZER & MCRAE LLP

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13 By: /s/ Devin A. McRae
14 DEVIN A. MCRAE
15 Attorneys for Plaintiff
MICHAEL ANTHONY MOORE

16 Dated: January 23, 2013

GRODSKY & OLECKI LLP

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19 By: /s/ Allen B. Grodsky
20 ALLEN B. GRODSKY
21 Attorneys for Defendants
ROBERT KIRKMAN and ROBERT
22 KIRKMAN, LLC

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**STIPULATION RE REQUEST FOR MODIFICATION OF ORDER OF DISMISSAL UPON
SETTLEMENT**